



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUL - 1 2009

Honorable Casiano Shoniber
Secretary of Health, Education, and Social Services
Department of Education
Federated States of Micronesia
P.O. Box PS 70
Pohnpei State, FSM 96941

Dear Secretary Shoniber:

This is to inform you that we have conditionally approved Federated States of Micronesia's (FSM) application for Federal Fiscal Year (FFY) 2009 funds under Part B of the Individuals with Disabilities Education Act (IDEA or Part B). Our conditional approval is based on our review of the application submitted by the FSM to the U.S. Department of Education, Office of Special Education Programs (OSEP), on May 18, 2009, and the amended application submitted on June 29, 2009, including the assurances provided in Section II and incorporated by reference to this letter as noted in Enclosure A. In addition, FSM provided specific assurances that it will:

1. Operate consistent with Part B and applicable regulations; and
2. Make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of Part B of the IDEA and applicable regulations as soon as possible, and not later than June 30, 2010. Section II of FSM's application identifies the IDEA requirements for which FSM needs to amend policies and procedures and the timelines by which FSM will amend its policies and procedures in order to comply with Part B and applicable regulations. Within Section II, FSM has included for each assurance it cannot meet at this time the date by which it expects to complete necessary changes to any policies and procedures that are not yet in compliance with the requirements of Part B and applicable regulations.

FSM's FFY 2009 IDEA Part B grant award is being released subject to FFY 2009 Special Conditions, pursuant to the Department's authority in Section 616(g) of the IDEA and 34 CFR §80.12, as set forth in Enclosure C of this letter. The Department's determination that FSM's FFY 2009 IDEA Part B grant award is being released subject to FFY 2009 Special Conditions is based on FSM's failure to correct long-standing noncompliance that FSM identified in Chuuk State (Chuuk) in 2006 and that OSEP identified in its July 17, 2007 verification letter. The reasons for doing so and the specific conditions are detailed in the enclosure. FSM must administer this award both in keeping with the applicable provisions of Federal law and regulations and the Special Conditions attached to the grant award document. Acceptance by FSM of this grant award constitutes an agreement by FSM to comply with the Special Conditions.

Please note that as part of your application for FFY 2009, FSM has made an assurance, in 34 CFR §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect with respect to the FFY 2009 grant period. Any changes made by FSM, after OSEP approval, to information that is a part of FSM's application, must meet the public participation requirements in 34 CFR §300.165.

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information that is a part of FSM's application, must meet the public participation requirements in 34 CFR §300.165.

Enclosed is FSM's grant award for funds currently available under the Omnibus Appropriations Act, 2009 for the Part B Section 611 (Grants to States) program. These funds are for use primarily in school year 2009-2010 and are available for obligation from July 1, 2009 through September 30, 2011 in accordance with 34 CFR §76.709.

The amount shown in your award for the Section 611 program is only part of the total funds that will be awarded to you for FFY 2009. Of the \$11,505,211,000 appropriated for Section 611 in FFY 2009, \$2,912,828,004 is available for awards on July 1, 2009, and \$8,592,382,996 will be available on October 1, 2009.

Enclosure B provides a short description of how Section 611 funds were allocated and how those funds can be used. In addition, Table I in Enclosure B shows funding levels for distribution of Section 611 funds and the parameters for within-State allocations.

The enclosed grant award for FFY 2009 is made with the continued understanding that this Office may, from time to time, require clarification of information within your application, if necessary. These inquiries are needed to allow us to appropriately carry out our administrative responsibilities related to Part B.

We appreciate your ongoing commitment to the provision of quality educational services to children with disabilities.

Sincerely,



Patricia J. Guard
Acting Director
Office of Special Education Programs

Enclosures

Enclosure A
Enclosure B
Enclosure C

cc: State Director of Special Education